

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FAY S. GUNDLACH,	§	
	§	
Plaintiff,	§	C.A. NO.: 05-491
	§	
v.	§	TRIAL JURY DEMANDED
	§	
FOOD LION, L.L.C., a subsidiary of	§	
DELHAIZE AMERICA,	§	
	§	
Defendants.	§	

**ANSWER TO COMPLAINT**

1. Answering Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment.

2. Admitted except with regard to the averment as to Delhaize America. Delhaize America is only a holding company and has no assets in its own right. Furthermore, with regard to the averment as to the amount in controversy being equal to or in excess of \$75,000, Answering Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment and it is therefore deemed as being denied.

2(sic). Answering Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment.

3. Denied.

4. Answering Defendants are without sufficient knowledge or information to form a belief as to the truth of this averment.

WHEREFORE, Defendant demands that the above captioned matter be dismissed with all costs to be assessed against the Plaintiff.

**AFFIRMATIVE DEFENSES**

5. Plaintiff was comparatively negligent in such a fashion so as to either diminish or bar her claim.

6. Plaintiff's Complaint fails to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6).

BAILEY & ASSOCIATES, P.A.

/s/ James F. Bailey, Jr. \_\_\_\_\_  
JAMES F. BAILEY, JR.  
Delaware Bar I.D. #336  
Bailey & Associates, P.A.  
Three Mill Road, Suite 306A  
Wilmington, DE 19806  
(302) 658-5686  
*Attorney for Food Lion, L.L.C.*

Dated: August 25, 2005

**CERTIFICATE OF SERVICE**

I, James F. Bailey, Jr., Esquire, do hereby certify that on this 25<sup>th</sup> day of August 2005, one copy of the foregoing **ANSWER TO COMPLAINT** were served by **electronic service** to:

Victor H. Pribanic, Esquire  
PRIBANIC & PRIBANIC, L.L.C.  
1735 Lincoln Way  
White Oak, PA 15131

/s/ James F. Bailey, Jr.  
**JAMES F. BAILEY, JR.**